

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

<p>JOHN P. STRICKLAND,</p> <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">v.</p> <p>Dr. JANSEN J. WILLIAMS, NURSE</p> <p>KERRY CROPP, NURSE DENNIS</p> <p>FRITZEN, and JOHN DOES,</p> <p style="text-align:center">Defendants.</p>	<p>)</p>	<p>CASE NO. 4:08CV3081</p> <p>MEMORANDUM AND ORDER</p>
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This matter is before the court on Plaintiff's Motion to Appoint Counsel (Filing No. [25](#)), Motion for Discovery (Filing No. [29](#)), and Motion to Stay Interrogatories (Filing No. [34](#)). This is Plaintiff's third Motion to Appoint Counsel.¹ As the court has previously informed Plaintiff, the court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, [94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel" *Id.* (quotation and citation omitted). No such benefit is apparent here and the Motion to Appoint Counsel is denied.

Plaintiff's Motion for Discovery (Filing No. [29](#)) appears to be a request for documents directed to Defendants. Pursuant to the Progression Order entered on October 6, 2008, Plaintiff does not need permission to engage in discovery. The Motion for Discovery is therefore denied. In his Motion to Stay Interrogatories, Plaintiff requests that the court "stay" the interrogatories served on him by Defendants until after the court rules

¹Plaintiff's previous two Motions to Appoint Counsel (Filing Nos. [6](#) and [13](#)) were denied. (Filing Nos. [8](#) and [24](#).)

on the pending Motion to Appoint Counsel. (Filing No. 34.) The court has now denied the appointment of counsel and Plaintiff must respond to the interrogatories without further delay.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Appoint Counsel (Filing No. 25) is denied; and
2. Plaintiff's Motion for Discovery (Filing No. 29) and Motion to Stay Interrogatories (Filing No. 34) are denied.

Dated this 16th day of December, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge